

Entered - 4-23-01- sb  
CL 00L0270 ALEXIS HOLMES

01- R-1137

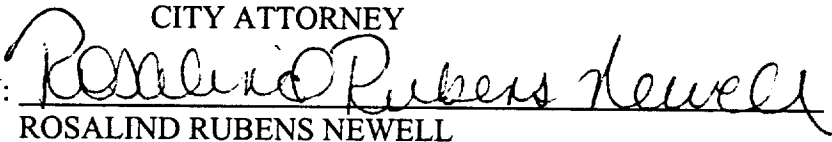
CLAIM OF: **MYRA JANE CHADWICK AND  
CHRYLSER FINANCIAL COMPANY LLC**  
124 Defoor Village Court, #439  
Atlanta, Georgia 30318

For damages alleged to have been sustained as a result of driving over a pothole in the road on March 6, 2001, at 2412 Marietta Boulevard near Bolton Road.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **MYRA JANE CHADWICK AND CHRYSLER LLC** the sum of **\$1,007.15** in full settlement and satisfaction of all claims, past, present and future, of every kind and character **for damages alleged to have been sustained as a result of driving over a pothole in the road on March 6, 2001, at 2412 Marietta Boulevard near Bolton Road** as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0217

Date: 7/9/01

Claimant /Victim MYRA JANE CHADWICK AND CHRYSLER FINANCIAL COMPANY LLC

BY: (Atty) \_\_\_\_\_

Address: 1244 Defoor Village Court #439, Atlanta, Georgia 30318

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 1007.15 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 3/14/01 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 3/6/01 Place: 2412 Marietta Boulevard at Bolton Road

Department Public Works Division: Street Operations

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant alleges that he sustained vehicular damages when she drove over a pothole in the road and blew out the right front tire, back tire, and dented both wheel rims. The deterioration of the defect reveals that the pothole had been in the road for an extended period of time. The City has repaired the defect.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Other \_\_\_\_\_ Written X Oral \_\_\_\_\_

Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial X

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X

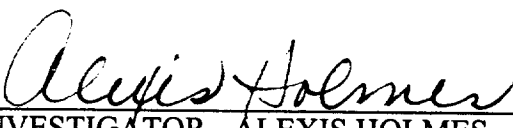
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_

Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$ 1,007.15 Adverse \_\_\_\_\_ Account charged: 1A01 X 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 07-12-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 3/9/01

Holmes

04/19/01  
De

ENTERED - 4-23-01 - SB  
01L0270 - ALEXIS HOLMES

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1007.15 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 3/6/01 (month/day/year) 2. Time of Incident: 12:00PM 3. Police called: X Yes No
4. Location of incident (including street address): 2412 Marie Hg Blvd. 100 Yrds from Bolton Rd. Atlanta Rd. (Between Nifda Blvd. + Bolton Rd.)
5. Name of your insurance company: State Farm Policy No. 168 8847 1308 11
6. State what and how incident occurred: Hit HUGE pothole in Road. Blaw out front right tire, hole in back tire and dented Both Rims (wheels) on Both tires. total damages \$1007.15

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: DODGE 2001 MYRA JANE CHADWICK  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Myra Chadwick  
Signature of Claimant

MYRA JANE CHADWICK  
(Print Claimant's Name)

1244 DeForest Village Ct. #439  
(Address)

Atlanta GA 30318  
(City, State and Zip Code)

770 303-1403 404-355-949  
(Work Number) (Home Number)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 01L0270

\$ 1,007.15

IN CONSIDERATION of the sum of TEN HUNDRED AND SEVEN AND 15/100  
DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,  
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,  
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and  
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly  
for or on account of driving over a pothole in the road  
which occurred on or about the 6th day of March, 2001,  
at or near 2412 Marietta Boulevard near Bolton Road.

It is further understood and agreed that the payment of the above named sum is not to be considered as an  
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the  
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,  
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,  
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment  
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by  
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this  
instrument.

WITNESS my hand and seal this 16 day of July, 2001.

Myra Jane Chadwick (LS)  
MYRA JANE CHADWICK

Notary Public, Forsyth County, Georgia  
My Commission Expires October 11, 2002

Ann Marie Cole (LS)  
CHRYLSER FINANCIAL COMPANY LLC

The above release was read and explained to, and signed by the said Myra Jane Chadwick  
in our presence on the date above written.

Jeanie R. Ice  
Kelly R. Britt  
WITNESSES

01-R-1137